Supreme Court, U.S.
FILED
SEP 23 1988
JOSEPH F. SPANIOL, JR.
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88-1045

IN THE

UNITED STATES COURT OF APPEALS

OCTOBER TERM, 1988

LOUIS DOUGLAS WILLIAMS,

Petitioner,

v.

THE ATTORNEY GENERAL

OF THE STATE OF PENNSYLVANIA,

Respondent.

ON WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

Louis Douglas Williams
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Counsel for Petitioner

QUESTIONS PRESENTED

1. Whether "antibiotic sensitivity disc, used as screening test for help in determining the proper antibiotic drug to administer patients" as discussed in United States v. An Article Of Drug . . Bacto-Unidisk, 394 US 784, 89 SCt 1410(1969) is to apply to Acts Of Congress under Governmental programs labeled Veterans Administration?

2. Whether the three perhaps most commonly discussed - Freedom Of Religion, Speech, and Press were applied by Congress to the "Bill Of Rights" as a means to motivate "Cybernetics"; as in Government computers?

3. Whether Acts Of Congress who affix a particular enviorment as the situs to the crime or crimes committed therein, as mentioned in Rushford v. United States, 204 F2d 831 regarding Federal Tort Claims Act, 28 USCA 1346(b),2671-2680 require the names of Officials or whoever, acting under color of any law, statute, ordinance, regulation, or

custom before such person filing suit can obtain the relief being sought to recover from damages resulting from the crime or crimes committed?

4. Whether Acts Of Congress would defer the Scope Of Review in such cases that involve "Monopolies" that include the Interstate Commerce Act to International Law?

5. Whether a claim to a person seeking an award to recover for damages under 10 USCS 2733(h) can be made tax exempt pursuant to 26 USCA 456(a) as discussed in Jarecki v. C.D.Searle & Co., 367 US 303, 81 SCt 1579(1961), when Acts Of Congress are imposed upon persons without "Consent"?

6. Whether "Consent" would confer liability upon a guardian existing in a civil hospital that is under the authority and care of the State, in infancy cases involving psychosurgery?

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* All parties to the proceedings in the courts below are listed in the caption.

7. Quere, if the President Of The United States can pardon in such a case, as to effect the interest of third persons?

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IN THE

UNITED STATES COURT OF APPEALS

OCTOBER TERM, 1988

LOUIS DOUGLAS WILLIAMS,

Petitioner,

v.

THE ATTORNEY GENERAL

OF THE STATE OF PENNSYLVANIA,

Respondent,

ON WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

Petitioner Louis Douglas Williams petitions the Court to issue a writ of certiorari to the United States Court Of Appeals for the Third Circuit in this case.

OPINIONS BELOW

The decision of the District Court is unreported, and is set forth at pages A3 - A7 of the appendix to this petition (App. A3 to A7). The decision of the Court of Appeals is set forth at App. A1 to A2.

JURISDICTION

The judgment of the Court of Appeals was entered on September 8, 1988 and is set forth at A1 - A2. The Court has jurisdiction pursuant to 28 U.S.C. Section 1651(a)

STATUTES INVOLVED

18 U.S.C., sect.2 provides,

> Whoever commits an offense against the United States, or aids, abets, counsels, commands, induces, or procures its commission, is punishable as a principal.

18 U.S.C., sect.242 provides, inpertinent part,

> Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully

subjects any inhabitant of any State, Territory, or District to the depriviation of any rights, privileges, or immunities secured or protected by the Constitution or Laws of the United States . ; . . (shall be guilty of an offense against the United States).

18 U.S.C., sect. 371 provides, inpertinent part,

If two or more persons conspire . . . . to commit any offense against the United States . . . . and one or more of such persons do any act to effect the object of the conspiracy each (shall be guilty of an offense against the United States).

18 U.S.C., sect. 494 provides, in pertinent part,

Whoever falsely makes, alters, forges, or counterfeits any . . . public record . . . or other writing for the purpose of defrauding the United States . . . (shall be guilty of an offense against the United States).

18 U.S.C., sect. 1503 provides, in pertinent part,

> Whoever corruptly . . . influences, obstructs, or impedes, or endeavors to influence, obstruct or impede, the due administration of justice (shall be guilty of an offense against the United States).

Section 401(3), 18 U.S.C. states,

> A Court of the United States shall have power to punish by fine or imprisonment, at its discretion, such contempt of its authority, and none, either, as -
>
> (3) Disobedient or resistance to its lawful writ, process, order, rule, decree, or command.

Section 1, 26 Stat, 209, 50 Stat. 693, 15 U.S.C.A. provides,

> "Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. * * *"

Section 2, 26 Stat.209, 50 Stat.693, 15 U.S.C.A. provides,

"Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor * * * *"

CPLR 203 provides,

"The time within which an action must be commenced, except as otherwise expressley prescribed, shall be computed from the time the cause of action accrued to the time the claim is interposed.

Despite the general principal that a cause of action accrues when the wrong is done regardless of when it is discovered, certain wrongs are considered continuing wrongs and the statute of limitations runs from the last wrongful act.

If . . . the wrong is continuing, so that each day gives rise to a new cause of action, then each day will bring a new statute of limitations."

10 U.S.C., section 2733(h) provides,

"Sec. 2733. Property loss; personal injury or death: incident to non-combat activities of Deaprtment of Army, Navy, or Air Force

(h) Under such regulations as the Secretary of Defense may prescribe, he or his designee has the same authority as the Secretary of a military department under this section with respect to the settlement of claims based on damage, loss, personal injury, or death caused by a civilian officer or employee of the Deaprtment of Defense acting within the scope of his employment or otherwise incident to noncombat activities of that department.

STATEMENT

A. FACTS

On April 22, 1986, Petitioner Louis Douglas Williams was convicted of a violation of 18 Pa.C. S.A., sect.4105(a)(issuing bad checks). The gravaman of this case is non-consent of Petitioner to receiving psychosurgery at an age of infancy and the question of who consented. Petitioner states he was not informed of the enviormental status in which he is presently confined as being cybernated. Petitioner realizes he is being contained unlawfully in a civil hospital, to substantiate the reason for (1) obstructing justice, (2) falsification and difficulty in obtaining his personal public records, (3) the coercive procedures of being pushed through schools, (4) unemployment history and inadequate insurance coverage, (5) the only alternatives being coerced to voluntarily enlist into the military, (6) coercive conduct to having received two court-martials, (7) and confinement in an empty military barracks until discharged.

Petitioner is presently confined in an empty room in a Soldiers Home located just below the Veterans Administration Hospital in Coatesville, Pennsylvania. Petitioner presently receives "abnormal income" from the Deaprtment Of Health under the catagory of "disability income"(DI).

B. PROCEEDINGS BELOW

The informal hearings that took place in Parksburg under District Justice Carl Henry were "nolo contendre". The conspiratal conduct of the enviorment had taken course prior to the indictment to obstruct the means to obtaing payment to the charge. 23 days were spent in the Chester County Prison from 12 noon June 16, 1986 to 12 noon July 9, 1986 and was driven by the prison guard upon release, to the bus depot in West Chester, Pa.

On January 12, 1988 Petitioner mailed a letter to the U.S.District Court(3d Cir.) requesting forms for petitions for a writ of habeas corpus with instructions included for filing procedures. The forms for petitioning were received promptly and under title 28 U.S.C., sect.2254. On January 30, 1988 a let-

ter was mailed by Petitioner to the District Court (3d Cir.) requesting forms under 28 U.S.C.,sect. 2241 with statutes applie to confer reason for the request. The Court responded promptly to say that such form would have to be drafted pursuant to Fed. R.CivlProc.

The instructions which accompanied the petition for habeas corpus listed numerous grounds upon which writs for habeas corpus could not be filed. Four spaces for grounds were applied to the form with instruction that each ground must be filled. Petitioner then applied fact as ground,with support from the other three grounds conferring fact from the first an initial ground. "Ground "A" " clearly made aware the fact of negligence being imposed to involuntary manslaughter with Science being exposed in the other three grounds that implied Cybernetics as being known to the Petitioner as the means motivating the procedures. On March 7, 1988 the forms for a writ of habeas corpus were mailed to the U.S.District Court(3d Cir.) under 28 U.S.C.2241. On May 10,1988 a de novo determination

was made dening the petition on grounds that (1) he is not in "(C)ustody, and (2) he has not exhausted his State remedies. On May 16,1988 Petitioner mailed objections to the courts decision attacking the perversion of their decision to the facts applied to the petition with the entire objection supporting United States ex rel. Wirtz v. Sheehan, D.C.Wis., 319 F.Supp.146 which was again, the first statute quoted to the Objections. Wirtz clearly noted that "Custody does not necessarily mean actual physicial detention in a jail or prison. Rather the term is synonomous (sic) with restraint of liberty." This statute clearly applies to the maxium "Noscitur a Sociis", that a word is known by the company it keeps, while not an inexcapable rule,is often widely applied where a word is capable of many meanings in order to avoid the giving of unintended breadth to Acts Of Congress". Jarecki v. G.D.Searle, 367 US 303, 81 SCt 1579,1582 par.3; Neal v. Clark, 95 US 704,708-709, 24 LEd 586, --Sct 586,587 par.7.

The objections supporting the petition were denied on May 24, 1988 by Judge Clarence C. Newcomer J. and Petitioner appeals on writ of certiorari to this Court for relief.

REASON FOR GRANTING THE WRIT

A book entitled The Neurosciences, Third Study Program reveals how Man can be manipulated to perform acts and body movements against his own will by the organization and reorganization of antibiotics that can be formed to ganglion in the human body. Fact of consent being implied in this case, establishes fraud, consealment and the search for sovereignty through means not applicable to Law. Section 401(3) establishes knowledge of the contention which man imposes to himself with the law that governs his authoritative position. The "antisensitivity disc" serves a means both ways, to be in attempt to correct this matter. Coercing a victum, and in deceit, to conform to any form or purpose that is not substantial in neither, establishes the imposed contentions to a victum to be in direct violation of Privacy rights conferred upon a Citizen by the

United States Constitution in attempt to deceiving ones self of the esatblished Law. "Drugs with a latent or slowly evolving potiential for harm are no longer unique." Thornton v. Roosevelt Hospital, 17 NY2d 780, 391 NE2d 1002, 1004 par.4. In Griffin v. United States, 500 F2d 1059, 1075 footnote 7 the statement is made in regards to Results of Neurovirulence Tests of Reference Vaccine NIH-NA-2 After Intrathalamic Innoculation that the reference "is based on a judgment of experience of work over a number of years." A like statement is made in A Report by the Center for the Study of Democratic Institutions by Dr.Donald N.Michael entitled Cybernation: the Silent Conquest that "Time is a statistical property in cybernated systems: it takes time for variables to average out, to rise or fall in their effects, and the time period usually is not a fiscal year or some small multiple thereof." Id at p.38 par.2.

The circumstantial evidence stated to facts in this petition complies to petitioner having been secluded throughout his lifetime to observation of the unknown psychological effects from the psychosurgery operation, that applies Petitioner to a

to a conspiracy that involves him, in an electronic enviorment, soley upon the existance "of procedures for medical diagnosis by machine". Ibid at p.20. In this manner cybernation becomes a purposive in its attempt to procure a human robot and, by Petitioner not voluntaering consent to procure the task, Section 401(3) esatblishes contempt to be both civil and criminal; that the procedure involves the Public to the degree of obstructing justice by procuring an agreement with the government in order to effectuate the implied purpose of the innoculation. "The Nuremberg Code states that the subject should know the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonably to be expected; and the effects upon his health or person which may possibly come from his participation in the experiment. . . . The National Institute Of Health, on the other hand, allow the research institution to determine the "appropriateness" of the "informed consent" obtained by the experimenter. Thus the Food and Drug Administration provides a

substantive definition of consent while the National Institutes Of Health rely more on local institutions to develope appropriate concepts of consent by following procedural directives." Psychotechnology, p.268 par.2 . "Consent should always be voluntary and should not involve duress." Id at p.269. "By simplistic arguments, therefore, I was led to the position that it was not control per se that is dangerous, but rather the concentration of control in the hands of some powerful minority." Ibid at p.265. "The main objective of the conspiracy in this case was "consealment" the commission of fraud perjury and obstruction of justice." United States v. Bonanno, 177 F.Supp. 106, 112 par.3. "Consequently, it is clear that these transferees are being treated differently from other transferees simularly situated in that they are denied judicial hearings and to that extent are discriminated against." United States v. McNeill, 294 F2d 117, 121; Gibson v. United States, 457 F2d 1391, 1393.

The Veterans Administration program was created by the Servicemen's Readjustment Act of 1944.

"The VA has 58 regional offices,with at least one in each state. There are 172 veterans' hospitals,located in all states except Alaska Hawaii. World Book Encylopedia(1987),Vol.20,p.276. . . . Today, the VA operates 16 homes called domiciliaries for veterans who do not require hospital care,but who are unable to earn a living and have no adequate means of support."Id at p.277. Veterans Of Foreign Wars of the United States(VFW) is one of the largest veterans' organizations in the United States. The Military Order of the Cooties is the honor branch of the VFW. Veterans organizations have been chiefly patriotic and social in purpose. They try to develop the comradships formed during war,and to support the laws and government of the nation. Ibid atpp.277-278. These groups usually have great influence because of their large membership. Id at p.278.

The Deppart.Of Defense is an exectutive department of the United States Government. It directs the operations of the nations Armed Forces, including the Army, Navy, and Air Force. Ibid at p.79,Vol.5.

In 1949 Congress set up the Department Of Defense to replace the National Military Establishment. It withdrew exectutive statis from the military departments and provided that they be administered separately under the direction,authority,and control of the Secretary Of Defense. The Secretary is a civilian and is appointed by the President with the approval of the Senate. All functions of the Departments of Defense are carried out under the Secretary's authority and control. Ibid.

"A physician who treats a patient without consent commits a battery,even though the procedure is harmless or beneficial". Estate of Leach v. Shapiro, 469 NE2d 1047,1051 par.11. "The court system provides the only mechanicism which can protect the interest of the doctor,the hospital,the patient,the family and the State,which can objectly weigh the competing interests in an emotionally charged situation, and which can insulate the participants from civil and criminal liability." Ibid at p.1052 par.3. There are at least four situations in which the failure to act may constitute breach of a legal duty.

One can be held criminally liable: first, where a statute imposes a duty to care for another; second, where one stands in a certain status relationship to another; third, where one has assumed a contractual duty to care for another; and fourth, where one has volutarily assumed the care of another and so secluded the helpless person as to prevent others from rendering aid. Jones v. United States, 113 U.S. D.C. 352, 308 F2d 307; Froelich v. Adair, 516 P2d 993. "It has been repeatedly decided that these amendments should receive a liberal construction, so as to prevent stealth encroachment upon or "gradual depreciation" of the rights secured by them, by imperceptible practice of courts or by well-intentioned, but mistakenly over-zealous exectutive officers." Gouled v. United States, 25 5 US 298, 41 SCt 261, 263 par. 4; Alderman v. United States, 394 US 165, 22 LED2d 176, 89 SCt 961 (1969).

"Another example of a machine the behavior of which is not completely controlable or predictable is the Perceptron, designed by Dr. Frank Rosenblatt. . . . . It is designed to learn and discriminate in the same way that it is believed man may learn and

discriminate; it has its own pace and style of learning, of refining its discriminations, and of making mistakes in the process. . . . . There is no basis for knowing where this process will stop, nor . . . is there any comfort in the assertion that, since man built the machine he will always be smarter or more capable than it is ." Cybernation, p.9; United States v. An Article of Drug, Etc., 394 US 784, 89 SCt 1410, 1419 par.2. "Since Petitioner is already in possession of the facts as to the manner in which the experiments were conducted, no futher need for the inspection exists." Hyman v. Jewish Chronic Disease Hospital, 15 NY2d 317, 206 NE2d 338, 340. "The United States were here to be defrauded of doing justice". Outlaw v. United States (1936), 81 F2d 805, 807. "It must be said, however, that participation in a criminal conspiracy need not be proved by direct evidence; A common purpose and plan may be inferred from a "development and collection of circumstances." United States v. Malatesta, 590 F2d 1379, 1381 (1979), 583 F2d 748 (5th Cir. 1978).

"Murder may be committed without a stroke. The law has not confined the offense to any particular circumstances or manner of killing; but there are as many ways to commit murder, as there are to destroy a man, provided the act be done with malice, either expressed or implied." Rex v. Huggins, Kings Bench (1730), 2 Ld Raym. 1574, 92 Eng Rep. 518.

Petitioner perferrs to be Human and not subjected to contiuous repetitous acts of conspiracy to be converted. The damages petitioner sustained are unreparable, erroneous, and frivalous. Tinnerholm v. Parke Davis Davis,& Co., 235 F.Supp.432(S.D.N.Y.1968); Schwartz v. United States, 230 F.Supp.536(E.D.Pa.1964); United States v. Reid, 251 F2d 691(5th Cir.1958). "This Act is designed to provide relief when persons are injured or killed as a result of the noncombat activities of the Army, Navy, Air Force and Marine Corps. Relief is not contingent on fault, negligence or wrong. No recourse to the courts is given under this act, and there must be an agreed settlement . . . " Ludeen v. Depart. of Labor & Industry, 78 Wash2d 66, 469 P2d 886(1970) at 889 par.6.

"Congress meant to make state law controlling not only as to creation of liability,btu also as to release from liability." Rushford v. United States, 204 F2d 831(1953). "Three facts combine to show the necessity for a bill substantially like that now under consideration. First,the violence and lawlessness,for which it is proposed to provide a remedy,occur in many widely separated districts; second, the character of the victums selected and the methods of outrage,indicate a common source and purpose,an organized conspiracy; and,third,the organization to which they are traced is political in its origin and aims, and is military in form.

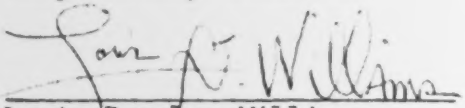
But one rule never fails: the victums whose property is destroyed,whose persons are mutilated,whose lives are sacrificed,are always Republicans. They may be black or white; they include those who wore the blue and those who wore the gray; new-comers and life-long residents, but only Republicans. Stain the door lintels with the mark of opposition to reconstruction and of hostility to the National Administration,and the destroying angel passes by. Omit

that sign, and the torch may kindle the roof that covers women and children; the scourge may fall upon shoulders that stoop with weakness and with age; the bullet may pierce the breast without warning. Such uniformity of result can come only from design. Republicans only are beaten and mutilated and murdered, because the blows are aimed at Republicans only. Cong.Globe, 42d Cong., 1st Sess.412-13 (1871)."

CONCLUSION

For the forgoing reasons the petition for a writ of certiorari should be granted.

Respectfully submitted



October 27, 1988

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CPS-27 September 1, 1988

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. NO. 88-1485

LOUIS DOUGLAS WILLIAMS

vs.

THE ATTORNEY GENERAL OF THE STATE OF PENNSYLVANIA

(E.D. Pa. Civ. No. 88-2042)

Present: SLOVITER, MANSMANN and SCIRICA,

CIRCUIT JUDGES

Submitted is appellant's request for a certificate of probable cause, pursuant to Rule 22(b), Federal Rules of Appellate Procedure in the above-captioned case.

Respectfully,

Clerk

SM/JKN/zc

enc.

The foregoing request for a certificate of probable cause is denied.

By the Court

Circuit Judge

Dated: SEP 08 1988

DZ/CC : LDW

SS

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE LOUIS DOUGLAS WILLIAMS	:	CIVIL ACTION
v.	:	
THE ATTORNEY GENERAL OF THE STATE	:	
OF PENNSYLVANIA	:	NO. 88-2042

REPORT AND RECOMMENDATION

PETER B. SCUDERI — May 6, 1988

UNITED STATES MAGISTRATE

Louis Douglas Williams has filed a petition for a writ of habeas corpus.* Mr. Williams was convicted on April 22, 1986 of a violation of 18 Pa.C.S.A. 4105(a) (Issuing bad checks). He was sentenced to twenty-one days in prison by District Justice Carl Henry of Chester County, Pennsylvania. He served ten days of the sentence from June 30, 1986 to July 9, 1986, when he was released.

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* He was convicted under the name Douglas L. Williams

The petition should be dismissed for several reasons. First, he is not in custody nor is he subject to future custody. 28 U.S.C. 2241(c); Rule 1, Rules Governing 2254 cases in the United States District Courts.**

Second, petitioner has not exhausted his state remedies. He states that he took an appeal to the Court of Common Pleas of Chester County on February 18,1987 and that his appeal was rejected. He did not appeal to the Superior Court of Pennsylvania or to the Supreme Court of Pennsylvania. He has,therefore,not presented his claims to the highest state court.***

** Although he has filed this pursuant to 2241, it actually comes under 2254 since he is complaining about incarceration pursuant to a state judgment.

*** He alleges that he has taken several appeals to the United States Supreme Court, which were rejected. Obviously, this does not satisfy the exhaustion requirements of 2254.

Third, he alleges no set of facts from which we could conclude that "(H)e is in custody in violation of the Constitution or laws or treaties of the United States. . . ." 28 U.S.C. 2241(c)(3). In his petition he lists four grounds on which he claims that he is being held unlawfully. Ground one: therapy. Ground two: curiosity. Ground three: doubt. Ground four: endurance.**** None of the reasons cited in his petition would amount to "custody in violation of the Constitution or laws or treaties of the United States. . . ."

Therefore, I make the following:

****

For example under ground one: "therapy," he gives as supporting facts the following:

> Maneuvering tyranny of the therapeutic state coerced upon an unwilling victum,(sic) an attempt not psychologically or properly fitted to the victum (sic) who is then regarded as a patient, exposes this man act of science to a God, to be simply the act of manslaughter imposed psychologically to exempt blameworthyness(sic) upon the mentality of society.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE LOUIS DOUGLAS WILLIAMS	:	CIVIL ACTION
v.	:	
THE ATTORNEY GENERAL OF THE STATE	:	
OF PENNSYLVANIA	:	NO. 88-2042

O R D E R

CLARENCE C. NEWCOMER, J.

AND NOW, this 24th day of May , 1988 upon careful and independent consideration of the petition for writ of habeas corpus, and after review of the report and recommendation of United States Magistrate Peter B.Scuderi and petitioner's objections thereto, it is hereby Ordered as follows:

1) The Report and Recommendation is APPROVED and ADOPTED;

2) The petition for a writ of habeas corpus is DENIED;

3) There is no probable cause for appeal.

After reviewing petitioner's objections, which were difficult to comprehend and filed with a large amount of irrelevant information, I conclude that petitioner did not adequately address and overcome the findings of Judge Scuderi that petitioner has not exhausted his state remedies.

AND IT IS SO ORDERED.

_____

Clarence C. Newcomer, J.